

REMARKS

Provisional Election

The Examiner has required restriction of the claims into one of two groups - Group I drawn to polynucleotides encoding TNFR-6alpha as well as recombinant vectors and host cells containing polynucleotides encoding TNFR-6alpha and methods of producing TNFR-6alpha using said host cells and vectors, and Group II drawn to polynucleotides encoding TNFR-6beta as well as recombinant vectors and host cells containing polynucleotides encoding TNFR-6beta and methods of producing TNFR-6beta using said host cells and vectors. In accordance with 37 C.F.R. § 1.143, Applicants hereby provisionally elect, *with traverse*, the invention of Group I, (represented by claims 24 - 159, and 287 - 305). Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement. The Examiner asserts that the claimed subject matter of the specified groups are distinct. Even assuming that patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of the groups together would entail a "serious burden" (see MPEP § 803). In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine the TNFR-6alpha polypeptide and TNFR6-beta polypeptide claims together aside from sweeping assertions that the polynucleotides have distinct physical, chemical and functional properties and that the vectors and cells used to produce a TNFR-6alpha polypeptide could not be used to produce a TNFR-6beta polypeptide, and *vice versa*¹. Applicants note that TNFR-6alpha and TNFR-6beta contain overlapping sequences and thus, the searches of these sequences would be overlapping.

Thus, Applicants submit that searching the two groups pertaining to TNFR6-alpha polynucleotides and TNFR-6beta polynucleotides together would not be a serious burden. The searches for TNFR-6alpha and TNFR6beta polypeptides are clearly be overlapping.

Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

Amendments to the Drawings

Applicants submit concurrently seventeen (17) sheets of formal drawings containing Figures 3A-P (16 sheets) and 4 (1 sheet). The substitute formal drawings correct minor typographical, editorial and/or graphical errors in the sheets of Figure 3 as originally filed and Figures 3A-P as filed on June 21, 2000, and Figure 4 as filed on June 21, 2000.

¹ Applicants respectfully note that the restriction requirement actually stated that the vectors and cells used to produce a TNFR-6alpha polypeptide could not be used to produce a TNFR-6alpha polypeptide. It is assumed that the second occurrence of "alpha" was intended to be "beta."

The substitute formal drawings submitted herewith are completely supported by the informal drawings as originally filed and no new matter has been introduced. None of the amino acid sequences has been amended.

Corrections to Figure 3 regarding errors in Formal Drawings submitted June 21, 2000:

The formal drawings of Figures 3A-P filed June 21, 2000 contained several errors with respect to the originally filed drawings of Figure 3. In accordance with 37 C.F.R. § 1.121(a)(3)(ii), corrections of these errors are indicated in red ink on the attached copies of the formal drawings of Figures 3A-P submitted June 21, 2000. These corrections introduce no new matter.

Corrections to Figure 3 regarding errors in drawings as originally filed:

In addition, the originally filed informal drawings of Figure 3 were photocopies of an original figure that had been hole-punched. The hole-punching inadvertently obscured some of the numbering of the amino acids along the left margin of the first five sheets of Figure 3 as originally filed. The corrected amino acid number designations are indicated in red ink on the attached copy of the original informal drawings of Figure 3, in accordance with 37 C.F.R. § 1.121(a)(3)(ii). The correct numbering for the formal drawings of Figure 3 (Figures 3A-P submitted herewith) would be completely obvious to one skilled in the art upon examining the original informal drawings as a whole, by simply counting the amino acids of the sequence. Thus, the correction of the obscured numbers introduces no new matter.

In sum, the formal drawings of Figures 3A-P submitted herewith either correct minor typographical errors present in the Formal Drawings filed on June 21, 2000 or correct the obscured numbering in the drawings of Figure 3 as originally filed. These corrections introduce no new matter.

Corrections to Figure 4:

In Figure 4, a small vertical bar in the "ALPHA, REGIONS-GARNIER-ROBSON" line was inadvertently omitted in the formal drawing submitted on June 21, 2000, but was present in the informal drawing of Figure 4 as originally filed. This line is marked in red ink on the attached copy of the formal drawing of Figure 4 submitted on June 21, 2000. A copy of Figure 4 as originally filed is also attached for comparison. This correction merely brings the formal drawings into agreement with the originally filed informal drawings, and thus, introduces no new matter.

CONCLUSION

Applicants respectfully request that the amendments and remarks above be entered and made of record in the file history of the instant application. Should any additional fees be deemed necessary, please charge such fees to Deposit Account No. 08-3425.

Respectfully submitted,

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